

**REMARKS**

**Summary of Office Action**

Applicant's claims 1-16 are currently pending in the above-identified patent application.

The Examiner rejected independent claims 1, 7, 9, 15 and dependent claims 3, 4, 8, 11, 12 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Japanese abstract JP10-031265 (hereinafter "Ozaki") in view of United State Patent No. 6,950,126 (hereinafter "Homma").

Further, the Examiner rejected dependent claims 2 and 10 under 35 U.S.C. § 103(a) as being unpatentable over Ozaki in view of Homma and United States Patent No. 5,726,627 (hereinafter "Kane").

Further, the Examiner rejected dependent claims 5 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Ozaki in view of Homma and United States Patent No. 5,530,432 (hereinafter "Chen").

Further, the Examiner rejected dependent claims 6 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Ozaki in view of Homma and United State Patent No. 5,806,621 (hereinafter "Soda").

**Applicant's Reply to the Rejection of the Claims**

**35 U.S.C. § 103(a)**

The Examiner rejected independent claims 1, 7, 9, 15 and dependent claims 3, 4, 8, 11, 12 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Ozaki in view of Homma. Applicant submits the following remarks wherein the Examiner's rejections are respectfully traversed.

Claim 1 discloses a method of outputting a predetermined announcement sound when a portable terminal has been changed to a camera mode which uses an image-capturing section. Thus, according to claim 1, people, at whom a camera is pointing can easily judge whether an operator has changed the mode of a portable terminal to the camera mode because the portable terminal will output a predetermined announcement when the mode is changed to camera mode. Furthermore, it is possible to get the attention of people nearby even if the operator does not fully-press a shutter button. This is advantageous because once notified that the portable terminal is in camera mode, people at whom the camera is pointing, can act to avoid

having their picture taken by stopping the operator from capturing the images or fleeing from the area the camera is pointing so as not to be photographed.

Ozaki, on the other hand, discloses a camera that generates a beep sound in response to the detection of a signal from the remote control commanding the release of a shutter. Unlike claim 1, and contrary to the Examiner's assertion, Ozaki does not disclose an announcement method for an image capturing device that outputs a predetermined announcement sound when trying to take a picture. Instead, Ozaki teaches a camera that announces that a photograph was taken after the photograph is taken. Thus, in Ozaki, a person photographed realizes that a photograph has been taken. Such a person is provided no warning that a photograph will be taken and consequently is unable to avoid having their picture taken and invading the privacy of others. The method of claim 1, on the other hand, announces that the portable terminal is in a state in which the portable terminal can capture an image (i.e. "the portable terminal has been changed to a camera mode") before capturing the image. Therefore, Ozaki fails to disclose or suggest "outputting a predetermined announcement sound when the portable terminal has been changed to a camera mode."

Furthermore, Ozaki is limited to a camera that is operated by remote control. Thus, Ozaki fails to disclose a portable terminal that can be changed to a camera mode that uses an image-capturing section. Moreover, even if the technology of Ozaki were applied to portable telephones, Ozaki only discloses a portable telephone that always outputs a beep sound in response to the release of a shutter when photographing using a remote control. This device announces that an image was captured after the image was captured and provides no warning to the people surrounding the camera that a photograph is about to be taken.

Homma also fails to disclose or suggest "outputting a pre-determined announcement sound when the portable has been changed to a camera mode." Instead, Homma teaches a camera having communication ability that informs the user of an incoming call through an incoming call sound, a vibration or the display depending upon whether the camera is in still image shooting mode, moving video mode or sound recording mode. In Homma the portable terminal is in a camera mode when it informs the user of an incoming call. Thus, Homma, unlike claim 1, does not teach "outputting a predetermined announcement sound when the portable terminal has been changed to a camera mode."

Therefore, as explained above, the invention as claimed in claim 1 would not have been obvious from Ozaki in view of Homma to one of ordinary skill in the art.

Claim 7 discloses a method of "outputting a predetermined announcement sound when an image-capturing button has been pressed after a portable terminal has been changed to a camera mode." According to Applicant's claimed invention, even when an operator inadvertently presses the image-capturing button, the portable terminal will not output an unnecessary announcement sound if the portable terminal has not been changed to the camera mode.

However, Ozaki merely discloses a camera and thus lacks the idea of a camera mode to which the camera can be switched. In addition, Ozaki also fails to teach a device that detects an image-capturing button of a portable terminal being depressed. Instead, the apparatus disclosed in Ozaki instructs that a photograph be taken in accordance with a remote control signal using infra red radiation, electric waves or etc. Thus, the apparatus of Ozaki does not require an image-capturing button. Finally, even if the technical idea of Ozaki could be applied to portable telephones with a photographing function it would merely disclose a portable telephone that always outputs a beep sound in response to the release of a shutter. Ozaki would not disclose an apparatus that outputs "a predetermined announcement sound when an image-capturing button has been pressed after a portable terminal has been changed to a camera mode.

Furthermore, Homma also fails to disclose or suggest the limitation of "outputting a predetermined announcement sound when an image-capturing button has been pressed after the portable terminal has been changed to a camera mode." Instead, Homma teaches a camera having communication ability that informs the user of an incoming call through an incoming call sound, a vibration or the display depending upon whether the camera is in still image shooting mode, moving video mode or sound recording mode. In Homma the portable terminal is in a camera mode when it informs the user of an incoming call. Thus, Homma, unlike claim 7, does not teach "outputting a predetermined announcement sound when an image-capturing button has been pressed after the portable terminal has been changed to a camera mode."

Therefore, the invention as recited in claim 7 would not have been obvious over Ozaki in view of Homma to one of ordinary skill in the art.

Claim 9 discloses a portable terminal that outputs a predetermined announcement sound when it has been detected that a selecting section, which selects a camera mode for using an image-capturing section, has selected the camera mode. Thus, according to claim 9, people, at whom a camera is pointing can easily judge whether an operator has changed the mode of a portable terminal to the camera mode because the portable terminal will output a predetermined

announcement when the mode is changed to camera mode. Furthermore, it is possible to get the attention of people nearby even if the operator does not fully-press a shutter button. This is advantageous because once notified that the portable terminal is in camera mode, people at whom the camera is pointing, can act to avoid having their picture taken by stopping the operator from capturing the images or fleeing from the area the camera is pointing so as not to be photographed.

Ozaki, on the other hand, discloses a camera that generates a beep sound in response to the detection of a signal from the remote control commanding the release of a shutter. Unlike claim 9, and contrary to the Examiner's assertion, Ozaki does not disclose an announcement for an image capturing device that outputs a predetermined announcement sound when trying to take a picture. Instead, Ozaki teaches a camera that announces that a photograph was taken after the photograph is taken. Thus, in Ozaki, a person photographed realizes that a photograph has been taken. Such a person is provided no warning that a photograph will be taken and consequently is unable to avoid having their picture taken and invading the privacy of others. The portable terminal of claim 9, on the other hand, announces that the portable terminal is in a state in which the portable terminal can capture an image (i.e. "the portable terminal has been changed to a camera mode") before capturing the image. Therefore, Ozaki fails to disclose or suggest a portable terminal that outputs a predetermined announcement sound when it has been detected that a selecting section, which selects a camera mode for using an image-capturing section, has selected the camera mode.

Furthermore, Ozaki is limited to a camera that is operated by remote control. Thus, Ozaki fails to disclose a portable terminal that can be changed to a camera mode that uses an image-capturing section. Moreover, even if the technology of Ozaki were applied to portable telephones, Ozaki only discloses a portable telephone that always outputs a beep sound in response to the release of a shutter when photographing using a remote control. This device announces that an image was captured after the image was captured and provides no warning to the people surrounding the camera that a photograph is about to be taken.

Homma also fails to disclose or suggest a portable terminal that outputs a predetermined announcement sound when it has been detected that a selecting section, which selects a camera mode for using an image-capturing section, has selected the camera mode. Instead, Homma teaches a camera having communication ability that informs the user of an incoming call through an incoming call sound, a vibration or the display depending upon

whether the camera is in still image shooting mode, moving video mode or sound recording mode. In Homma the portable terminal is in a camera mode when it informs the user of an incoming call. Thus, Homma, unlike claim 9, does not teach a portable terminal that outputs a predetermined announcement sound when it has been detected that a selecting section, which selects a camera mode for using an image-capturing section, has selected the camera mode.

Therefore, as explained above, the invention disclosed in claim 9 would not have been obvious from Ozaki in view of Homma to one of ordinary skill in the art.

Claim 15 discloses a portable terminal that outputs a predetermined announcement sound when it has detected that an image-capturing button has been pressed, after it has detected that a selecting section, which selects a camera mode for using an image capturing section, has selected the camera mode. According to Applicant's invention, even when an operator inadvertently presses the image-capturing button, the portable terminal will not output an unnecessary announcement sound if the portable terminal has not been changed to the camera mode.

However, Ozaki merely discloses a camera and thus lacks the idea of a camera mode to which the camera can be switched. In addition, Ozaki also fails to teach a device that detects an image-capturing button of a portable terminal being depressed. Instead, the apparatus disclosed in Ozaki instructs that a photograph be taken in accordance with a remote control signal using infra red radiation, electric waves or etc. Thus, the apparatus of Ozaki does not require an image-capturing button. Finally, even if the technical idea of Ozaki could be applied to portable telephones with a photographing function it would merely disclose a portable telephone that always outputs a beep sound in response to the release of a shutter. Ozaki would not disclose an apparatus that outputs a predetermined announcement sound when it has detected that an image-capturing button has been pressed, after it has detected that a selecting section, which selects a camera mode for using an image capturing section, has selected the camera mode.

Furthermore, Homma also fails to disclose or suggest a portable terminal that outputs a predetermined announcement sound when it has detected that an image-capturing button has been pressed, after it has detected that a selecting section, which selects a camera mode for using an image capturing section, has selected the camera mode. Instead, Homma teaches a camera having communication ability that informs the user of an incoming call through an incoming call sound, a vibration or the display depending upon whether the camera is in still

image shooting mode, moving video mode or sound recording mode. In Homma the portable terminal is in a camera mode when it informs the user of an incoming call. Thus, Homma, unlike claim 15, does not teach outputting a predetermined announcement sound when it has detected that an image-capturing button has been pressed, after it has detected that a selecting section, which selects a camera mode for using an image capturing section, has selected the camera mode.

Therefore, the invention as recited in claim 15 would not have been obvious over Ozaki in view of Homma to one of ordinary skill in the art.

Applicants respectfully submit that dependent claims 3 and 11 are believed to define patentable subject matter in view of their dependency upon allowable claims 1 and 9 and, further, on their own merits.

Applicants respectfully submit that dependent claim 4 is believed to define patentable subject matter in view of its dependency upon allowable claim 1 and, further, on its own merits. For instance, Homma teaches the output of a voice message through the loudspeaker 3 that asks whether or not to interrupt an ongoing recording. In contrast, in Applicant's invention recited in Claim 4, "the announcement sound is not output while recording." Homma fails to teach such a limitation.

Therefore, the invention as recited in Claim 4 would not have been obvious over Ozaki in view of Homma even to one of ordinary skill in the art.

Applicants respectfully submit that dependent claims 8 and 16 are believed to define patentable subject matter in view of their dependency upon allowable claims 7 and 15 and, further, on their own merits. For instance, Ozaki fails to teach the image-capturing button recited in both claim 8 and claim 16. Instead, Ozaki discloses an apparatus that commands the taking of a photograph with a remote control signal using infrared radiation, elective waves and etc. Thus, the apparatus of Ozaki does not require or disclose an image-capturing button.

In addition, the inventions recited in claims 8 and 16 issues a notification of timing just before capturing an image when the image-capturing button is half-pressed. This notification allows people nearby to take measures to avoid being photographed before the photograph is taken. These people can notify the operator of their presence or flee from the camera so as not to be photographed. However, Ozaki fails to teach such an apparatus with such a warning mechanism. Instead, Ozaki is directed to a camera that notifies a person that a picture

has been taken after the picture is taken. People nearby cannot take measures to avoid being photographed because they are not aware of the photograph until after it has been taken.

Therefore, the inventions recited in claims 8 and 16 would not have been obvious over Ozaki in view of Homma to one of ordinary skill in the art.

Applicants respectfully submit that dependent claim 12 is believed to define patentable subject matter in view of its dependency upon allowable claim 9 and, further, on its own merits. For instance, the portable terminal disclosed in claim 12 teaches that “the control section ... controls the sounding body so as not to output the predetermined announcement sound while the recording section is recording.” Homma on the other hand teaches the output of a voice message through a loudspeaker regarding whether to interrupt recording while the apparatus is recording.

Therefore, the invention recited in claim 12 would not have been obvious over Ozaki in view of Homma to one of ordinary skill in the art.

Applicants respectfully submit that dependent claims 2 and 10 are believed to define patentable subject matter in view of their dependency upon allowable claims 1 and 9 and, further, on their own merits. Furthermore, a person of ordinary skill in the art would not have been motivated to combine the invention claimed in Kane with Ozaki and Homma. Claims 2 and 10 relate to a portable terminal. On the other hand, Kane relates to a security system, Ozaki relates to a camera and Homma relates to camera with communication ability. The invention recited in Kane is in a technology field quite different than that recited in claims 2 and 10, Ozaki or Homma and a person skilled in the art would not have been motivated to apply security system technology to a camera or a portable terminal.

Therefore, the inventions recited in claims 2 and 10 would not have been obvious over Ozaki in view of Homma and Kane even to one of ordinary skill in the art.

Applicants respectfully submit that dependent claims 5 and 13 are believed to define patentable subject matter in view of their dependency upon allowable claims 1 and 9 and, further, on their own merits.

Applicants respectfully submit that dependent claims 6 and 14 are believed to define patentable subject matter in view of their dependency upon allowable claims 1 and 9 and, further, on their own merits. Moreover, a person of ordinary skill in the art would not have been motivated to combine the invention claimed in Soda with Ozaki and Homma. Claims 6 and 14 relate to a portable terminal. On the other hand, Soda relates to a bicycle, Ozaki relates to a

camera and Homma relates to camera with communication ability. The invention recited in Soda is in a technology field quite different than that recited in claims 2 and 10, Ozaki or Homma and a person skilled in the art would not have been motivated to apply security system technology to a camera or a portable terminal.

Therefore, the inventions recited in claims 6 and 14 would not have been obvious over Ozaki in view of Homma and Soda even to one of ordinary skill in the art.

**Conclusion**

Accordingly, Applicant respectfully submits that the claimed invention as defined by independent claim 1, claims 2, 3, 4, 5 and 6 which depend therefrom, and independent claim 7, claim 8 which depends therefrom, and independent claim 9, claims 10, 11, 12, 13 and 14 which depend therefrom, and independent claim 15, claim 16 which depends therefrom are patentable over the cited references.

For at least the reasons set forth above, Applicant respectfully submits that this patent application, as amended, is in condition for allowance. Reconsideration and prompt allowance of this application are respectfully requested.

The Examiner is urged to telephone Applicants' undersigned counsel at the number noted below if it will advance the prosecution of this application, or with any suggestion to resolve any condition that would impede allowance. In the event that any extension of time is required, Applicant petitions for that extension of time required to make this response timely.

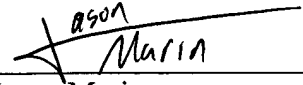
Kindly charge any additional fee, or credit any surplus, to Deposit Account No. 50-0675, Order No. 848075-0048.

Respectfully submitted,

Schulte Roth & Zabel LLP  
Attorney for Applicant  
919 Third Avenue  
New York, NY 10022  
212-756-2000

Dated: August 9, 2006  
New York, New York

By:

  
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Jason Marin  
Agent for Applicant  
Reg. No. 55,799